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In re Application of :
LISTER, Gary :
Application No.: 10/019,435 :
PCT No.: PCT/CA00/00971 :
Int. Filing Date: 28 August 2000 :
Priority Date Claimed: 03 April 2000 :
Attorney Docket No.: None :
For: GOLF PUTTING ALIGNMENT SYSTEM :

DECISION

This decision is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)" filed 26 August 2002 which is **GRANTED** as follows.

A petition to revive an abandoned application on the grounds that the failure to timely reply was unavoidable pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply; (2) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(c); and (4) the petition fee.

Applicant argues that the abandonment was unavoidable because "the fees were mailed Oct 30, 2001 well in advance of the due date as proven by Canada Post letter (attached) but was not opened until December 31, 2001 . . . I believe the delay in delivery was due to the anthrax scare, which would be adequate cause for establishing an unavoidable delay."

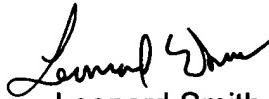
Applicant also provided documentary evidence in support of his claim including a document titled "Priority Courier Track and Trace System" indicating item ID "LE 002 677 559 CA" arrived at a "Foreign Off." on "2001/10/31." This was corroborated by a copy of a letter from Canada Post dated 20 June 2002 stating that the above-referenced documents were received by the USPS on 31 October 2001. The nature of the delay and the time period involved is sufficient to meet the unavoidable standard.

Applicant submitted the required \$55.00 petition fee for a small entity. No terminal disclaimer is required. Accordingly, all requirements of 37 CFR 1.137(a) have been satisfied.

A \$65.00 surcharge fee pursuant to 37 CFR 1.492(e) is still required.

The application has an international filing date of 28 August 2000 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 31 December 2001.

Accordingly, this application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a surcharge fee is required.



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